

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GERRALD WAYNE BRADLEY, §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. H-07-3704
§
HOUSTON POLICE DEPARTMENT, §
§
Defendant. §

ORDER ON DISMISSAL

Plaintiff Gerald Wayne Bradley, proceeding *pro se* and *in forma pauperis*, filed this lawsuit under 42 U.S.C. § 1983 alleging violation of his civil rights. At the time plaintiff filed his complaint, he was in custody of the Harris County Jail. On November 2 and 6, 2007, the Court sent a notice and an order to plaintiff at his address of record at the Harris County Jail. On November 7 and 13, 2007, these mailings were returned to the Court, marked as “Return to Sender; Released from Custody.”

Plaintiff has not provided the Court with a change of address, as required by Rule 83.4 of the Local Rules for the United States District Court for the Southern District of Texas, Houston Division. Under that rule, a *pro se* litigant is responsible for keeping the Court advised in writing of his current address. The Court will only send notices to the address on file. A reasonable time has expired since plaintiff was released from custody, and he has yet to provide an accurate, current mailing address. His failure to pursue this action forces the Court to conclude that he lacks due diligence. Therefore, under the inherent powers

necessarily vested in a court to manage its own affairs, this Court determines that dismissal for want of prosecution is appropriate. *See FED. R. CIV. P. 41(b); Larson v. Scott*, 157 F.3d 1030 (5th Cir. 1998) (noting that a district court may *sua sponte* dismiss an action for failure to prosecute or to comply with any court order). Plaintiff is advised, however, that upon a proper showing, relief from this order may be granted in accordance with Rule 60(b) of the Federal Rules of Civil Procedure.

Accordingly, this action is DISMISSED without prejudice for want of prosecution. All pending motions are DENIED as moot.

The Clerk will provide copies of this order to the parties.

Signed at Houston, Texas on November 28, 2007.



Gray H. Miller
United States District Judge